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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,511	09/12/2003	Mon-Sheng Lin	BHT-3106-292	5630
7590 07/14/2004 TROXELL LAW OFFICE PLLC Suite 1404 5205 Leesburg Pike Falls Church, VA 22041			EXAMINER ABDELWAHED, ALI F	
			ART UNIT 3712	PAPER NUMBER

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/660,511

Applicant(s)

LIN, MON-SHENG

Examiner

Ali Abdelwahed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) 1, 10 and 11 is/are withdrawn from consideration.  
5) ☒ Claim(s) 6, 7 and 9 is/are allowed.  
6) ☒ Claim(s) 2-5, 8 and 12-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,386,935 B1 to Lin in view of U.S. Patent No. 6,132,125 to Lin.

Lin '935 discloses a bubble blower comprising a container (1) holding a bubble solution, and a bubble-blowing bar for blowing the bubble solution into bubbles, the bubble-blowing bar comprising a handle (see figs. 2-6) and a bubble-blowing element (9) at one end of the handle, and is formed of two flat cover plates joined together (see figs. 5, 6, defined by the front and back walls of the container) and defining a flat liquid chamber (see figs. 5, 6, defined by the area enclosed by the front and back walls of the container that hold the liquid) adapted to hold the bubble solution (see figs. 3-6) and an opening through which the bubble-blowing bar is insertable into the flat liquid chamber to pick up the bubble solution (see fig. 2); and the container has an open frame (2) disposed at an outer side and defining a coupling groove for holding a card (see figs. 2-6); and the container has a backboard (5) fixedly fastened thereto; and the container has a plurality of recessed portions at one side thereof (see fig. 8).

However, Lin '935 fails to disclose the container having a thickness within about 2-6mm, and a rubber stopper fixedly fastened to the handle and spaced above the bubble-blowing element and adapted to seal the opening of the container after insertion of the bubble-blowing element of the bubble-blowing bar into the container.

Nevertheless, it would have been an obvious matter of design choice to modify the device of Lin '935 to provide the container with a thickness within about 2-6mm, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Furthermore, Lin '125 teaches a bubble blower comprising a rubber stopper (311') fixedly fastened to the handle and spaced above the bubble-blowing element and adapted to seal the opening of the container (see figs. 8-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lin '935, in view of Lin '125, such that it would provide the device of Lin '935 with a rubber stopper for the purpose of enhancing the seal between the bubble-blowing element and the container.

Claims 5, 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,386,935 B1 to Lin in view of U.S. Patent No. 6,524,155 B1 to Lin.

Lin '935 discloses the claimed invention except for the container having a thickness within about 2-6mm, and the container having one side fixedly provided with

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an ornament. However, it would have been an obvious matter of design choice to modify the device of Lin '935 to provide the container with a thickness within about 2-6mm, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Furthermore, Lin '155 teaches a bubble blower comprising a container having one side fixedly provided with an ornament (see figs. 5-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lin '935, in view of Lin '155, such that it would provide the device of Lin '935 with a container having one side fixedly provided with an ornament for the purpose of enhancing the aesthetic effect of the device.

### ***Response to Arguments***

Applicant's arguments filed on April 26, 2004 have been fully considered but they are not persuasive.

In response to Applicant's arguments concerning the rejection made with the Lin '935 patent and how it does not teach the claimed limitations of the present invention. Examiner would like to focus attention to the rejection made above, which has been slightly revised to further define Examiner's position on the Lin '935 patent teaching the two flat cover plates and the flat liquid chamber limitations. The remaining claimed limitations have been clearly defined in the rejection made above.

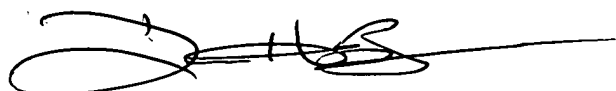
In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969). In this case, the Lin '125 and the Lin '155 patents were used merely to teach the concepts of having a rubber stopper fixedly fastened to the handle and spaced above the bubble-blowing element and adapted to seal the opening of the container after insertion of the bubble-blowing element of the bubble-blowing bar into the container, and the container having one side fixedly provided with an ornament. Examiner therefore reasserts the rejection.

***Allowable Subject Matter***

Claims 6, 7, and 9 are allowed.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA

07/09/2004